

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 4, 6-11, 13, 14, 16-21, 23, 24, and 26-30 are currently pending. Claims 1, 3, 4, 6-11, 13, 14, 16, 21, 23, 24, and 26 have been amended; and Claims 2, 5, 12, 15, 22, and 25 have been canceled without prejudice by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the specification was objected to as containing non-capitalized trademark references; Claims 5, 10, and 15 were rejected under 35 U.S.C. § 112, first paragraph as being non-enabled<sup>2</sup>; Claims 1-4, 6-8, 11-14, 16-18, 21-24, and 26-28 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,477,667 to Levi et al. (hereinafter “the ‘667 patent”); and Claims 9, 10, 19, 20, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘667 patent in view of U.S. Patent No. 6,167,358 to Othmer et al. (hereinafter “the ‘358 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on October 16, 2003, at which time a proposed amendment to Claim 1 was discussed. Agreement was reached that the proposed amendment would likely overcome the outstanding rejection of Claim 1, pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

In response to the objection to the specification, the specification has been amended to place all trademarks in capital letters. In particular, the Bluetooth trademark has been capitalized in paragraphs 39 and 81. However, Applicants note that the use of other “trademarks” mentioned in the Office Action, e.g., “Microsoft,” “Novell,” and “Sun

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<sup>2</sup> However, the Examiner confirmed that, instead of Claim 10, Claim 25 should have been rejected on these grounds.

Microsystems, Inc.,” refer to company names, not trademarked product names. Thus, Applicants do not believe that a correction is required for those terms. Accordingly, the objection to the specification is believed to have been overcome.

Applicants respectfully submit that the rejection of Claims 5, 15, and 25 under 35 U.S.C. § 112, is rendered moot by the present cancellation of those claims.

Amended Claim 1 is directed to a system for tracking at least one of a device state and a device event of a remotely located device, comprising: (1) a receiver configured to receive at least one of the device state and the device event of the remotely located device; (2) a digital storage system configured to maintain a history of the least one of the device state and the device event of the remotely located device and a service history of the remotely located device, (2) *an analyzer* configured to analyze the at least one of the device state and the device event of the remotely located device; and (4) *a service depot* configured to receive at least one of a maintenance request, a repair request, and a repair recommendation from the analyzer over a Wide Area Network and to transmit at least one of a maintenance request and a repair request to the device over the Wide Area Network. Claim 1 has been amended to incorporate limitations recited in original Claims 2 and 5. Accordingly, the changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>3</sup>

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 3, 4, and 6-8) as anticipated by the ‘667 patent is rendered moot by the present amendment to Claim 1.

The ‘667 patent is directed to a method and system for remote device monitoring that includes (1) agent software installed on monitored devices, and (2) listener software residing at an operations center that listens for alerts generated by the agent software. As shown in Figure 1, the ‘667 patent discloses that a contact 32 is contacted by the operations center 12

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<sup>3</sup> Regarding support for the service depot limitation, Applicants refer to Figure 3A and paragraphs 26-28 and 41-43 of the specification.

in order to respond to and/or repair problems associated with the devices 30 monitored by the monitoring system 10. Further, the '667 patent discloses that the "contact 32 represents one or more *personnel* who are contacted."<sup>4</sup> Accordingly, Applicants respectfully submit that the '667 patent fails to disclose a service depot configured to receive at least one of a maintenance request, a repair request, and a repair recommendation from an analyzer over a Wide Area Network and to transmit at least one of the maintenance requests and the repair request to a device over the Wide Area Network. Accordingly, Applicants respectfully submit that amended Claim 1 (and dependent Claims 3, 4, and 6-8) patentably define over the '667 patent. Moreover, Applicants respectfully submit that the rejection of dependent Claim 2 is rendered moot by the present cancellation of that claim.

Independent Claims 11 and 21 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 11 and 21 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that Claim 11 (and dependent Claims 13, 14, and 16-18) and Claim 21 (and dependent Claims 23, 24, and 26-28) are rendered moot by the present amendment to Claims 11 and 21, respectively. Moreover, Applicants respectfully submit that the rejection of dependent Claims 12 and 22 is rendered moot by the present cancellation of those claims.

Regarding the rejection of dependent Claims 9, 10, 19, 20, 29, and 30, Applicants respectfully submit that the '358 patent fails to remedy the deficiencies of the '667 patent, as discussed above. Accordingly, for the reasons stated above for the patentability of independent Claims 1, 11, and 21, Applicants respectfully submit that the rejection of dependent Claims 9, 10, 19, 20, 29, and 30 is rendered moot by the present amendment to the independent claims.

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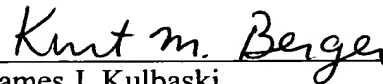
<sup>4</sup> '667 patent at column 4, lines 32-33. Emphasis added.

Thus, it is respectfully submitted that independent Claims 1, 11, and 21 (and all associated dependent claims) patentably define over any proper combination of the '667 and '358 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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